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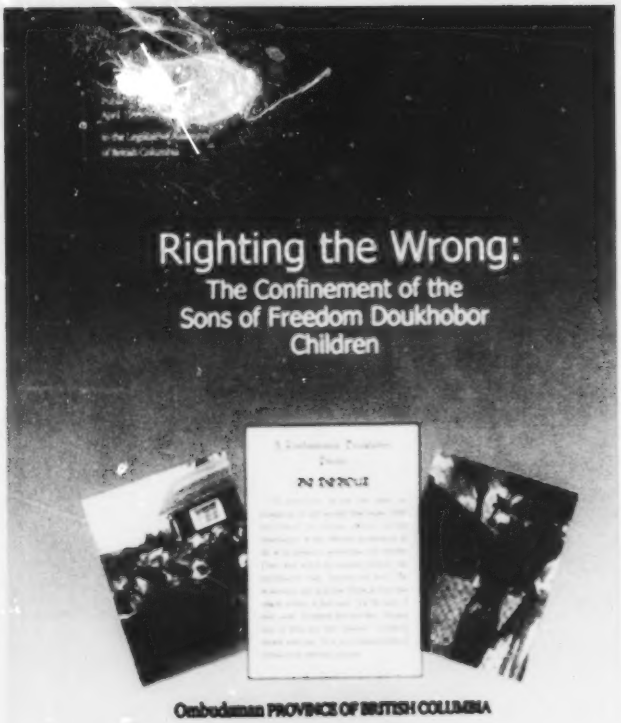
March 2002

to the Legislative Assembly
of British Columbia



Righting the Wrong:

A Progress Report

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Righting the wrong : a progress report

(Public report no. 43, March 2002, to the Legislative Assembly of British Columbia)

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A Progress Report

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Introduction

In April 1999 the Ombudsman released Public Report No. 38 *Righting the Wrong: The Confinement of the Sons of Freedom Doukhobor Children.* Many of the Sons of Freedom Doukhobors, who as children had been confined in an institution located at New Denver, BC, requested that the Ombudsman investigate their allegations of maltreatment. They alleged that as a result of their removal from their families they had suffered losses on a number of levels including: loss of love, nurturing, guidance, and childhood; loss of privacy, dignity, self-respect, and individuality; and loss of civil liberties. In addition, some former residents alleged physical and psychological maltreatment and unacceptable living conditions. The Ombudsman concluded that these complaints were substantiated.

When *Righting the Wrong* was publicly released, government had not yet articulated its response to the findings and recommendations of the Report. *Righting the Wrong* acknowledged that government required an appropriate period of time in which to formulate its response. The Ombudsman wrote:

> *I have chosen to give government the opportunity to prepare its response separately from this Report. Government has had sufficient notice of the contents of this Report for it to be made public. Given the complexities of the issues raised, it is reasonable to give government time to respond in a manner it considers appropriate.*

The purpose of this Report is to inform the public of the steps that government has taken, thus far, to address the five recommendations contained in *Righting the Wrong.*

I had meetings with government officials in the fall of 1999 to discuss the Report. In March 2000, I wrote to the Premier to request a formal response from government to the five recommendations. Following this correspondence, my Office participated in a series of meetings with senior government officials to discuss how government might address the recommendations. As a result of such a meeting in June 2000 with the Deputy Attorney General, government agreed to meet with a representative group of former New Denver residents who had made

complaints to the Ombudsman. The meeting was held in July 2000. The Deputy Attorney General advised me that government was willing to discuss how it might respond to Ombudsman Recommendation #2.

> 2. *Provide the complainants with as full and adequate an explanation as is reasonable and appropriate, given the passage of time, for why, as children, they were apprehended and confined in New Denver.*

In November 2000, government arranged for a meeting with the former residents to discuss the issues raised in *Righting the Wrong.* All former New Denver residents were invited to attend this meeting. Following the November 2, 2000 meeting the Deputy Attorney General sent a letter to the former New Denver residents inviting them to identify how government could provide support for projects which might serve as a proper legacy for the community. In March 2001 another meeting was held with some of the former residents to discuss potential means of acknowledging the experience as children of the former residents of New Denver.

On October 9, 2001 the Honourable Geoff Plant, Attorney General wrote to me to summarize the efforts taken by the Ministry of Attorney General on behalf of government. The correspondence is attached as an appendix. In summary, government has funded meetings of the former residents to enable them to discuss how the Ombudsman's recommendations might be realized. Government has also assisted the former residents to establish a contact list of all former residents and have covered the cost of surveying the former residents regarding how to resolve outstanding issues for this community. Counselling support services are in place for former residents and their families.

Righting the Wrong contained five recommendations. The recommendations were as follows:

Recommendations

That the Attorney General, on behalf of the government

1. Provide a clear acknowledgement that the government was wrong in the manner in which it apprehended and confined the children of the Sons of Freedom Doukhobors in the New Denver institution.

2. Provide the complainants with as full and adequate an explanation as is reasonable and appropriate, given the passage of time, for why, as children, they were apprehended and confined in New Denver.

3. Make an unconditional, clear and public apology to the complainants on behalf of the government, in the Legislative Assembly, for the means by which they were apprehended and for their confinement in New Denver. The essential elements of the apology include:
   - an acknowledgement by government that the children were, by being institutionalized in New Denver, treated unfairly and unjustly both as a group and as individuals, and that harm resulted;
   - a full and comprehensive explanation of why the children were institutionalized and detained in New Denver;
   - acknowledgement that the harm was not intended and that the government expresses regret for the harm done; and
   - a clear statement that government offers reparation for the harm done.

4. Consult with the complainants as a collective to determine the means by which they want to be heard, and the appropriate form of compensation. The consultation will:
   - instruct government as to the manner by which compensation will be provided and designed for both individuals and the group;
   - enable the complainants to construct the way in which compensation and support should be dealt with, to enable them to make choices and to heal; and
   - be designed in such a way as to avoid any third party that is neither a complainant nor part of the group of complainants nor part of government being responsible for the design of the form of redress.

5. Refer this Report to the Commanding Officer E Division and urge him to consider the role of the RCMP in the matter and the appropriate action to take.

As of the date of this Report, the status of the Recommendations is as follows:

Recommendation #1: This recommendation has not been implemented. Government has not provided a clear acknowledgement that it was wrong in the manner in which it apprehended and confined the children of the Sons of Freedom Doukhobors in the New Denver institution.

Recommendation #2: This recommendation has been partially implemented. Government has attempted to provide an explanation for why the children were apprehended and confined. Government has provided an historical background to Sons of Freedom Doukhobor complainants in order to put the issues into context.

Recommendation #3: This recommendation has been partially implemented. Government has not made an unconditional, clear and public apology to the former New Denver residents in the Legislative Assembly. Having said this, elements of this recommendation have been addressed. In a November 22, 2000 letter written to former residents of New Denver, the Deputy Attorney General expressed regret for "what happened to you and your families".

Recommendation #4: This recommendation has been partially implemented. A number of meetings have been held to address this recommendation. Government has commenced a process of consultation with former residents of New Denver. While expectations regarding the outcome of these consultations undoubtedly differ among the parties, I am hopeful that ongoing consultations will eventually produce a mutually satisfactory

Conclusion

outcome. Government has heard proposals from former New Denver residents for legacies in the form of commemorative art, an oral history project, and curriculum development. I encourage government and the former New Denver residents to continue to work toward a mutually agreeable resolution that properly embodies the spirit of this recommendation.

Recommendation #5: This recommendation has been fully implemented. A copy of *Righting the Wrong* was provided to the Commanding Officer RCMP E Division.

I remain optimistic that this ongoing process will lead to the full implementation of all of the outstanding recommendations contained in Righting the Wrong

On April 4, 2001 some former residents of New Denver announced their intention to file a lawsuit against the Government of British Columbia. As the Ombudsman, it is not my role to comment on such actions. However, in his October 9, 2001 letter to me, the Attorney General stated: "It is my position that ongoing meetings and discussions with the former residents can continue and are independent of legal action".

While the response by government to date does not fully address the recommendations in Public Report No. 38, I am pleased with the efforts undertaken by government officials to explore creative means of addressing the outstanding recommendations. I remain optimistic that this ongoing process will lead to the full implementation of all of the outstanding recommendations contained in *Righting the Wrong*. I intend to continue to monitor and report publicly on the progress of the Ombudsman's recommendations.

Howard Kushner
Ombudsman, Province of British Columbia

BRITISH COLUMBIA

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OCT 09 2001

Howard Kushner
Ombudsman
Province of British Columbia
931 Fort Street
PO BOX 9039 STN PROV GOVT
Victoria BC V8W 9A5

Dear Mr. Kushner:

I know you are aware that government has been engaged in discussions with the former residents of New Denver to address issues raised in the Ombudsman's report, "Righting the Wrong: The Confinement of the Sons of Freedom Doukhobor Children." I am pleased to provide you with a written summary of these activities and discussions.

The report was released in April 1999 and, as you know, the Ministry of Attorney General was identified as the lead ministry with respect to this matter. An inter-ministry committee was formed to review and analyze the report and develop a strategy for a government response. Government has undertaken a number of activities since the release of the report. Examples include:

- a copy of the report was immediately provided to the Commanding Officer RCMP "E" Division as recommended;
- government documents and research material, including some from the BC Archives and some from the public library were reviewed by various members of the committee;
- a pictorial history maintained by the RCMP was reviewed in Nelson, BC;
- two former Directors of the New Denver School were located and staff travelled to interview one former Director at his home;
- a former consultant retained by the BC government to work with the Doukhobors during the 1950's was interviewed in Kaslo, BC;

Attorney General and Minister Responsible for Treaty Negotiations

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- ministry staff members have travelled to the Kootenay Region on several occasions to engage in informal discussions with some former residents to further our understanding and explore possible solutions;
- a preliminary legal analysis was undertaken by Legal Services Branch;
- a contact list has been developed by the former residents with the assistance of government. Almost all of the former residents have been located and an updated contact list is now available to both parties to communicate with the larger community of former residents;
- we have responded to approximately 40 letters from former residents or members of the public interested in this matter;
- in order to be responsive and provide an open avenue for communication, staff members have been available to receive suggestions from former residents or answer questions as required;
- government has provided support and funding to a committee of former residents to assist them in organizing a private meeting to seek consensus from their community about resolution of issues; and
- a counselling program has been offered to all former residents and their families to assist those currently experiencing emotional upheaval.

I understand that during the interval since the release of the report, the Deputy Attorney General has met with you several times to discuss issues raised in your report and has kept you apprised about some of government's various efforts to respond to the complainants. Details of important meetings are summarized below.

July, 20, 2000 - Nelson

On July 20, 2000, the Deputy Attorney General and staff toured the site of the former New Denver School and met with a small representative group of former residents in Nelson. This meeting was a valuable opportunity for government officials to hear directly from the former residents, their immediate concerns and expectations. I have attached a copy of a letter dated July 21, 2000, sent as a follow-up to the meeting which summarizes three proposals which were discussed. In part, through discussion at that meeting and consistent with your recommendation that government "consult with the complainants as a collective," the Deputy Attorney General invited all former residents to a more in depth discussion of this matter (see attached letter dated October 24, 2000, to all former residents).

November 2, 2000 - Castlegar

This second meeting, held in Castlegar on November 2, 2000, was attended by the Deputy Attorney General and the former Deputy Ministers for Children and Families and Education and approximately 150 former residents. At the meeting, government attempted to comply with the spirit of the recommendations to provide "as full and adequate an explanation as is reasonable and appropriate given the passage of time, for why, as children, they were apprehended and confined in New Denver," and to provide a statement of "acknowledgement" and "regret."

At the meeting, Jack McIntosh, a Librarian at UBC with specialized knowledge of Doukhobor history, was invited to provide information about what had happened prior to and during the confinement of the Sons of Freedom Doukhobor children, and to summarize the prevailing public opinion as expressed in the media during the 1950's. Allan Specht, a specialist in oral history was available as a resource. Gillian Wallace, Deputy Attorney General, provided a verbal acknowledgment about the sense of isolation and loss the children felt at being separated from their families. She further expressed deep regret about any harm or suffering that they endured as a result. During discussions with the former residents we extended an offer on behalf of government to support activities identified by the former residents which would promote reconciliation within the community. Following this meeting a letter was sent to all former residents thanking them for attending the meeting and reiterating our request for their assistance in identifying appropriate projects and activities (see attached letter dated November 22, 2000). I have also attached a second follow-up letter dated January 3, 2001, from former Premier Ujjal Dosanjh, which was sent to all former residents to clarify issues which arose at the meeting.

As a result of information coming to light during these meetings, the former Ministry for Children and Families, contracted with Andrew Feldmar, a registered psychologist, to assess the nature and extent of counselling needs and to provide interim support services to those in immediate crisis. Andrew Feldmar travelled to Nelson three times, and to Agassiz once to meet with former residents, and also had discussions with a psychologist retained by some of the former residents. Andrew Feldmar reported his assessment to the Deputy Minister and as a result six people were identified, and are now receiving training to deal with the specific issues identified by the former residents and their families.

March 31, 2001 - Nelson

A third meeting occurred on March 31, 2001, which was initiated by Fred Makortoff, a former resident who invited all former residents to attend. The Deputy Attorney General and Deputy Minister for Children and Families, funded the meeting costs and attended the meeting in Nelson, along with approximately 80 former residents.

Several possible solutions were discussed at the meeting including commissioning a commemorative work of art, an oral history project, curriculum development, and family therapy. Although consensus was not reached about how to proceed with all suggestions, government agreed to fund counselling and to work toward the other activities identified. A committee of former residents was selected to organize a meeting for all former residents to formalize their requests. Government agreed to assist by covering the cost of mailing invitations and funding reasonable meeting costs.

July 21, 2001 - Castlegar

The former residents of New Denver held a private meeting in Castlegar on July 21, 2001. Prior to the meeting, they conducted a written survey of the former residents. Government provided funds for the meeting room, refreshments, and the cost of designing and mailing the survey and tabulating the results. As a result of this meeting, I am in receipt of a brief outlining the results of their survey. The brief also indicates their general support of the Ombudsman's recommendations.

As you know, some former residents have sought resolution through litigation. Government has filed a Statement of Defence and discoveries are underway. It is my position that ongoing meetings and discussions with the former residents can continue and are independent of legal action. I will be conferring with my colleagues to determine the appropriate next steps, however, I can assure you it is my intention to continue the dialogue with the former residents and to make every effort to seek non-litigious resolutions.

I want to thank the office of the Ombudsman for bringing this matter to government's attention through your investigation and report, "Righting the Wrong: The Confinement of the Sons of Freedom Doukhobor Children." We expect to continue our dialogue with the former residents and to continue to work with them to develop strategies to promote reconciliation within their communities. I have asked Gillian Wallace, Deputy Attorney General, to continue to keep you informed about our progress. Please do not hesitate to contact her.

Yours truly,

Geoff Plant
Attorney General

cc: Gillian P. Wallace

Attachments

BRITISH COLUMBIA

JUL 21 2000

Dear

I am writing to thank you for taking the time to meet with us on Thursday, July 20, 2000, in Nelson. In particular, please extend my thanks to those who had to travel to attend the meeting. I was pleased that we had an opportunity to hear from you directly about your concerns. I understand that you need to consult with other former residents of New Denver. You will appreciate my similar need to consult with my government colleagues. I hope that we can work together to develop an appropriate response.

To summarize the three proposals resulting from our meeting:

1. With regard to an explanation of what happened to you, you have agreed to consider sending a representative to work with us to access archival material. This would assist all of us to further understand the reasons which led to you, as children, being placed in New Denver. It would be helpful if you could identify specific areas you would like clarified.

2. We have agreed to identify an independent qualified person to undertake an assessment of possible counseling needs in your community. You may wish to offer suggestions about who would be appropriate to provide this service.

3. I have agreed to discuss with my colleagues ways in which government may be able to provide an acknowledgement about these events.

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I look forward to hearing from you. Please respond directly to Linda Neville at:

Tel: (250) 387-6080
Fax (250) 356-7136
Email: linda.neville@ag.gov.bc.ca

Yours sincerely,

Original Signed By

Gillian P. Wallace
Deputy Attorney General

NEUILLE / NEUILLE

BRITISH COLUMBIA

OCT 24 2000

All Former Residents of New Denver School, 1953 – 1959:

The Province of British Columbia is hosting a meeting for people, who as children were residents of New Denver School during the period 1953 -1959. I am writing to you as a former resident, on behalf of the Deputy Ministers of Education, Children and Families and myself to invite you to attend this meeting which will be held on November 2, 2000, at 7:00 pm in the cafeteria of Selkirk College, located at 301 Frank Beinder Way in Castlegar.

The purpose of the meeting is to discuss issues raised in the Ombudsman's report "Righting the Wrong: the Confinement of the Sons of Freedom Doukhobor Children." Although the meeting is intended exclusively for former residents of New Denver, you are welcome to bring your spouse, partner or a support person if you wish.

We have tried to contact as many former residents as possible. We know however, that our list may not complete, and we would appreciate your assistance in sharing this invitation with others who may not have been contacted directly.

I hope that you will be able to attend and I look forward to the opportunity to meeting you.

Yours sincerely,

Gillian P. Wallace
Deputy Attorney General

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BRITISH COLUMBIA

NOV 2 2 2000

Former residents of New Denver

We are writing to thank those of you who met with us in Castlegar on November 2, 2000 to discuss the issues raised in the Ombudsman's report, "Righting the Wrong, the Confinement of the Sons of Freedom Doukhobor Children". For those of you who were unable to attend the meeting, this letter will bring you up to date. Please feel free to share this information with other former residents of New Denver who may not have received this letter.

We appreciate your sharing your very personal experiences with us. We recognize the courage it has taken for you to disclose your memories to the Ombudsman and to speak openly at the meeting. It is of great assistance in furthering our understanding of the profound impact of this period in our history. It is impossible to hear your stories without being deeply touched. As mothers and fathers, sons and daughters ourselves, we heard your stories about the profound impact on families. It is also clear that your stories need to be told and recognized from the perspective of you and your family members. What happened to you and your families is deeply regretted.

Although this was a difficult meeting for everyone, we hope it can be viewed as a successful step in a cooperative effort to identify and create opportunities for healing and reconciliation. We encourage you to consider ways in which we can provide support for projects that promote healing and reconciliation and that will help to ensure that your experience does not happen to others. Examples might include an oral history project to document your experiences associated with New Denver. This would ensure that your stories are preserved. We would also consider opportunities to fund or support projects which can serve as a legacy within your communities. We are asking your assistance in identifying appropriate projects and activities.

We are willing to provide support and assistance, but we need your help in identifying how this can best be accomplished. We welcome your comments and suggestions

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about how to proceed. Linda Neville is available to receive your questions or suggestions. She can be reached as follows:

Linda Neville
PO Box 9286 Stn Prov Govt
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Phone: (250) 387-6080
Facsimile: (250) 356-7136

Yours sincerely,

Gillian P. Wallace
Deputy Attorney General

Sharon Manson Singer
Deputy Minister
Ministry for Children and Families

Charles Ungerleider
Deputy Minister
Ministry of Education

BRITISH COLUMBIA

JAN - 3 2001

Former Residents of New Denver

I am writing on behalf of the Honourable Ujjal Dosanjh, Premier, in response to a letter sent on November 7, 2000, following the meeting with you in Castlegar. The issues raised in the letter, signed by a number of former residents, require clarification and may be of interest to many of you.

Our meeting was very difficult for many of you, as it was for those of us representing government. Trying to piece together an accurate picture of events which occurred fifty years ago is a difficult task. It is also complicated by the fact that there are many different perspectives about this period in our history.

I would like to clarify why government requested Mr. Jack McIntosh make a presentation at the meeting. Mr. McIntosh was invited as an independent historian to provide information about events leading up to the apprehension of Sons of Freedom Doukhobor children, the continued care of the children at New Denver and the prevailing public attitude of the day, as expressed through the media. As you know, the Ombudsman recommended that government provide, "a full and comprehensive explanation of why the children were institutionalized and detained in New Denver."

The papers Mr. McIntosh presented were a reflection of government officials carrying out government policy during the 1950's and do not represent the current views of government. These documents and numerous other materials are managed by the BC Archives and public institutions such as the University of British Columbia and are available to researchers. We cannot, as has been suggested, single out and destroy documents that comprise part of government records which are disputed by certain groups. Government has offered to support projects which would ensure that all perspectives on this period of our history are documented, such as an oral history project, and we are open to other suggestions.

Many changes have taken place in government policy and practice since the 1950's. For example, the prevailing policy of assimilation during the 1950's has evolved into the current policy of multiculturalism. Government policy and practice has also evolved in light of the Convention on the Rights of the Child which was adopted by

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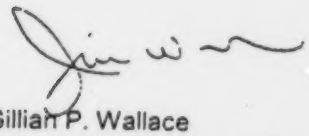
the United Nations General Assembly in 1989, and signed by Canada in 1991, some 30 years after these events.

I hope that our continued dialogue will allow us to work together to find mutually acceptable responses to issues raised in the Ombudsman's report enabling all of us to move forward in a respectful and positive way. I assure you that government understands the seriousness of this issue and is willing to engage in a sincere effort to find a resolution.

Yours sincerely,



Gillian P. Wallace
Deputy Attorney General

cc: The Honourable Ujjal Dosanjh
Howard Kushner